

## **Assembly Bill No. 3076**

### **CHAPTER 511**

An act to amend Section 42007 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 28, 2008. Filed with  
Secretary of State September 28, 2008.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 3076, Huffman. Vehicles: Maddy Emergency Medical Services Fund.

Existing law requires that in each county a penalty in the amount of \$7 for every \$10 upon a fine, penalty, or forfeiture be imposed and collected by the courts for all criminal offenses to be deposited in various county funds.

Until January 1, 2009, for purposes of supporting emergency medical services, a county board of supervisors may levy an additional penalty in the amount of \$2 for every \$10 upon a fine, penalty, or forfeiture imposed and collected by a court for criminal offenses, and deposit the collected funds into a Maddy Emergency Medical Services (EMS) Fund established by the county.

Existing law, in lieu of adjudicating a traffic offense of a person who holds a specified type of driver's license, authorizes a court to order or permit a person convicted of a traffic violation to attend traffic violator school, a licensed driving school, or other court-approved program of driving instruction. Existing law requires the clerk of the court to collect a fee from every person who is ordered or permitted to attend a traffic violator school or who attends any other court-supervised program of traffic safety instruction pursuant to these provisions. Existing law requires that revenues derived from collection of this fee be deposited in each county's general fund and distributed in accordance with a specified provision of existing law, including, if applicable, depositing an amount equal to \$2 for every \$7 that would have been collected pursuant to the penalty provisions described above into the county's Maddy Emergency Medical Services (EMS) Fund.

This bill would additionally require revenues from the above-described traffic violator school or traffic safety program fees, in an amount equal to \$2 for every \$10 that would have been collected by a county that imposes that penalty pursuant to the penalty provisions described above, to be deposited into the county's Maddy EMS Fund, commencing January 1, 2009. The bill would provide that a county would not be held liable for depositing these funds into the county EMS fund before January 1, 2009.

This bill would declare that it is to take effect immediately as an urgency statute.

*The people of the State of California do enact as follows:*

SECTION 1. Section 42007 of the Vehicle Code is amended to read:

42007. (a) (1) The clerk of the court shall collect a fee from every person who is ordered or permitted to attend a traffic violator school pursuant to Section 42005 or who attends any other court-supervised program of traffic safety instruction. The fee shall be in an amount equal to the total bail set forth for the eligible offense on the uniform countywide bail schedule. As used in this subdivision, “total bail” means the amount established pursuant to Section 1269b of the Penal Code in accordance with the Uniform Statewide Bail Schedule adopted by the Judicial Council, including all assessments, surcharges, and penalty amounts. Where multiple offenses are charged in a single notice to appear, the “total bail” is the amount applicable for the greater of the qualifying offenses. However, the court may determine a lesser fee under this subdivision upon a showing that the defendant is unable to pay the full amount.

The fee shall not include the cost, or any part thereof, of traffic safety instruction offered by the school or other program.

(2) The clerk may accept from a defendant who is ordered or permitted to attend traffic violator school a payment of at least 25 percent of the fee required by paragraph (1) upon filing a written agreement by the defendant to pay the remainder of the fee according to an installment payment schedule of no more than 90 days as agreed upon with the court. The Judicial Council shall prescribe the form of the agreement for payment of the fee in installments. When the defendant signs the Judicial Council form for payment of the fee in installments, the court shall continue the case to the date in the agreement to complete payment of the fee and submit the certificate of completion of traffic violator school to the court. The clerk shall collect a fee of up to thirty-five dollars (\$35) to cover the cost of processing an installment payment of the traffic violator school fee under this paragraph.

(3) When a defendant fails to make an installment payment of the fee according to an installment agreement, the court may convert the fee to bail, declare it forfeited, and report the forfeiture as a conviction under Section 1803. The court may also charge a failure to pay under Section 40508 and impose a civil assessment as provided in Section 1214.1 of the Penal Code or issue an arrest warrant for a failure to pay.

(b) Revenues derived from the fee collected under this section shall be deposited in accordance with Section 68084 of the Government Code in the general fund of the county and, as may be applicable, distributed as follows:

(1) In any county in which a fund is established pursuant to Section 76100 or 76101 of the Government Code, the sum of one dollar (\$1) for each fund so established shall be deposited with the county treasurer and placed in that fund.

(2) In any county that has established a Maddy Emergency Medical Services Fund pursuant to Section 1797.98a of the Health and Safety Code, an amount equal to the sum of each two dollars (\$2) for every seven dollars

(\$7) that would have been collected pursuant to Section 76000 of the Government Code and, commencing January 1, 2009, an amount equal to the sum of each two dollars (\$2) for every ten dollars (\$10) that would have been collected pursuant to Section 76000.5 of the Government Code with respect to those counties to which that section is applicable shall be deposited in that fund. Nothing in the act that added this paragraph shall be interpreted in a manner that would result in either of the following:

(A) The utilization of penalty assessment funds that had been set aside, on or before January 1, 2000, to finance debt service on a capital facility that existed before January 1, 2000.

(B) The reduction of the availability of penalty assessment revenues that had been pledged, on or before January 1, 2000, as a means of financing a facility which was approved by a county board of supervisors, but on January 1, 2000, is not under construction.

(3) The amount of the fee that is attributable to Section 70372 of the Government Code shall be transferred pursuant to subdivision (f) of that section.

(c) For fees resulting from city arrests, an amount equal to the amount of base fines that would have been deposited in the treasury of the appropriate city pursuant to paragraph (3) of subdivision (b) of Section 1463.001 of the Penal Code shall be deposited in the treasury of the appropriate city.

(d) As used in this section, “court-supervised program” includes, but is not limited to, any program of traffic safety instruction the successful completion of which is accepted by the court in lieu of adjudicating a violation of this code.

(e) The clerk of the court, in a county that offers traffic school shall include in any courtesy notice mailed to a defendant for an offense that qualifies for traffic school attendance the following statement:

NOTICE: If you are eligible and decide not to attend traffic school your automobile insurance may be adversely affected.

(f) Notwithstanding any other provision of law, a county that has established a Maddy Emergency Medical Services Fund pursuant to Section 1797.98a of the Health and Safety Code shall not be held liable for having deposited into the fund, prior to January 1, 2009, an amount equal to two dollars (\$2) for every ten dollars (\$10) that would have been collected pursuant to Section 76000.5 of the Government Code from revenues derived from traffic violator school fees collected pursuant to this section.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to properly distribute the revenues derived from traffic violator school fees to the Maddy Emergency Medical Services Fund for the

protection of public health and safety, it is necessary for this act to take effect immediately.